



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

## MAYOR JEFF WRIGHT

January 11, 2011

Minutes – Newington Town Council

Mayor Wright called the meeting to order in the Helen Nelson Room at 7:00 PM in the Newington Town Hall

### I PLEDGE OF ALLEGIANCE

### II ROLL CALL

#### Councilors Present:

Councilor Banach  
Councilor Casasanta  
Councilor Cohen  
Councilor Klett  
Councilor McBride  
Councilor Nagel  
Council Nasinnyk  
Mayor Wright

Councilor Lenares - absent

#### Staff Present

John Salomone, Town Manager  
Jaime Trevethan, Exec. Asst. to the Town Manager  
Mary Richard, Council Clerk  
Dr. Collins, Superintendent of Schools  
Bob Korpak, Facilities Director  
Ann Harter, Finance Director  
Lou Jackomowicz, Business Manager

#### Others Present

Steve Woods, Board of Education  
Al Turco, ERISA Attorney  
Ben Ancona, Town Attorney

### III PUBLIC PARTICIPATION

Mrs. Mazzocolli (no address provided) - Remembered Ms. Pat Genova who passed away ten years ago. Ms. Genova was also a member of the TPZ, Town Council and many other positions. She was also the Director of the Children's Medical Center, a very smart woman with a great heart. She always welcomed any new people coming into the system and she was blessed with two great very successful daughters.

Mady Kenney, Crestview Drive – she mentioned the \$150,000 to be allocated to the Board of Education for the new Transition Academy for the students and would urged the Council to use the CIP funds needed to do the job right.

Mayor Wright moved to adjust the agenda to allow the State Legislative Representatives to speak to the Council as the first order of business.

Seconded by Councilor Nasinnyk, Vote 8 – 0 Councilor Lenares absent.

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## **V.A Visit with Legislative Delegation**

Mayor Wright said that is a lot of uncertainty as we go forward with the upcoming budget with a lot of questions, and we have to wait and see where Governor Malloy goes with his budget and what that represents and staring at a 3.5 billion dollar deficit. The Mayor asked the Representatives for their input.

Present were Senator Paul Doyle, Representatives Tim O'Brien, Tony Guerrero and Sandy Nafis.

Senator Doyle said they were appreciative of the opportunity to come before the Council and it is certainly a challenging year with the budget at a 3.5 billion dollar deficit. He said he agrees with what the Mayor said. He said that the Governor, being a former Mayor we may have some optimism but we don't know what the outcome will be until the budget comes out. We do know that realistically there will be no increases. He said that he looks forward to fighting for Newington during these tough times.

Representative Sandy Nafis said that she dittos what Senator Doyle said. She said that the Governor did sign an executive order that will start framing our budget and they will do whatever can be done.

Representative Guerrero said that looking at the 3.5 billion dollars, we probably should be looking at 5 billion when all is said and done. He said that their focus is creating jobs and listening to the Governor's speech there will be some serious cuts, maybe looking at shrinking government and having been a Mayor he understands that we can't fix this by raising taxes nor by cutting services so it will be something like a pendulum. He said that all the representatives of all the Towns want to make sure that those monies will stay in place. The flip side is that how can we overcome this deficit, but the Governor has a tough road, tough on all of us. He believes that this won't be solved in the next few years because we can't count on Federal dollars. Representative Tim O'Brien said that it's important to address the problems, there are a lot of people having a problem paying property taxes and whatever decisions made we have to be fair. He said that viewing this moment as tough as it is we can use it to make the future right. He said we have to figure out why we're in the position we're in right now because of economic problems, what our strategies are and what our priorities are and working on creating jobs and set our economy back on track.

Councilor Nagel said we all appreciate what's been done in the past, and he has three questions – one being unfunded mandates. Rep Nafis said that everything's on the table, one being unfunded mandates and is being looked at right now. Councilor Nagel's next question has to do with the busway. Representative Guerrero said that the busway is not a done deal yet. He said that 200 pages handed to him and the busway was one of them, but as we know this has grown into an enormous amount of money. He said there could be some political fallout and he is concerned that if we ask for money again we may be overlooked and right now it's in the lap of the Governor. Councilor Nagel's last question is regarding Cedar Mountain and that the State owned land of open space. Representative Nafis said that the language in the bill said that the State owns it but are required to preserve ten acres as delineated by a plan provided by the Town and that is the lower ten acres, which is rather flat. Councilor Nasinnyk said being a State employee and Governor Malloy sent out two emails to all the employees asking for money saving ideas, she said we all have ideas and asked if all the comments are considered. Representative Nafis said that absolutely all the ideas are looked at. Councilor Nasinnyk said that because our system is so antiquated it takes forever to go over all the input. Representative O'Brien said that this is a big complaint from the business people and a lot of inefficiencies come back to the computer systems and that the different departments can't talk to each other and it's being considered very seriously. Representative Nafis said that she is Co-Chairing the task force on paper reduction and are about to present the report and meeting with agencies and there are many practices out there and the key is to being together those ideas and that is definitely happening. Representative Guerrero said that as relates to shrinking government, we have to be aware and seeing this Governor and if we could have one Commissioner overseeing three agencies instead of three Commissioners overseeing three agencies and this would be a good start.

Councilor Banach recognized the dedication of the Representatives and asked Representative Guerrero about busway, there was a Newington citizen who indicated that he was with a rail line and he noticed that a tremendous amount of trailers were being moved by rail and if that could be more consideration of moving freight off the highways. Representative Guerrero said that in the report today one comment was that by moving one freight liner is the combination of 175 to 200 trucks on the road and that's something we want to network in the next few years. This is a good component of moving goods and services.

Councilor Klett mentioned the tolls, she said for instance Route 95 is treacherous and adding tolls to that she isn't sure that will help safety issues. Depending on where the tolls are located she thinks there's a potential to increase traffic on various highway. She hopes that when consideration is given that, and she's fearful that we'll end up with more traffic on our highways. Representative Guerrero explained that this would be an electronic toll and with \$5. per vehicle it figures to about \$168,000,000 which he feels should go into a lock box to fix bridges, roadways, using trains which means less trucks, less traffic, less accidents, less pollution. It's a great opportunity for us to get monies going through our state, because people don't fill up here because we have one of the highest gas taxes in the United States. Councilor Klett mentioned the cost of nursing homes and reimbursement is one of the biggest drivers and she hoped this is being considered for getting people out of nursing homes and back into their homes but red tape to go through is not a good thing. Senator Doyle said that the Governor will be pushing for just this issue.

Councilor McBride said that there a bill passed dealing with deregulation of electrical carrier costs. He asked about the purpose of that bill, Representative O'Brien said that this has to do with the procurement process and it's very complicated but gets to the price that people are being charged and this is something we have to look at, and not just changing the procurement but to bringing energy and also putting people to work. Councilor McBride said that it's important to make some long lasting changes and he appreciates what all the Representatives are doing.

Councilor Cohen said that it was mentioned that the busway would likely go forward specifically because of the funding already received from the Federal Government, and if we did not go forward that would impact the funding for rail? Representative Guerrero said that he didn't say it would impact the funding for rail. He had said that there could be some political fallout in handing back \$275,000,000 to the Feds when they've offered it to us. Councilor Cohen said that she misunderstood that this would not affect future funding from the Government for rail. Representative Guerrero said that absolutely if this did not happen. Councilor Cohen asked which is the worst scenario? She said that Newington has never taken an official position on the bus way and many around the table have not supported the bus way but were told by the powers that be that in order to stay in the loop we shouldn't say we don't want it. She asked would it help if all the Towns took a position would it have an impact? Representative Guerrero said that it would have to be left up to the Town of Newington as to which route to take. Mayor Wright said that the dynamics of discussion has changed over the last six months, and he believes that Governor Malloy has all the parts and information and will make the call on this soon. Councilor Cohen thanked the Representatives for their efforts.

Representative Guerrero thanked the Council who also have a difficult job for the hard work they're doing and the difficult decisions they have to make. Councilor Casasanta thanked the Representatives for their hard work and was encouraged by Representative Guerrero's comments and asked about the electronic tolling, and a bill would be sent out and wouldn't this add to the cost? Representative Guerrero said yes that comes through the cost that the revenue would generate. Councilor Klett said she doesn't support the busway and those around this table that some think it's a great idea and some don't know why we're doing it. She personally does not have a problem with turning the money back to the Feds. She said that the Feds are use to that, with people changing their minds. Representative Guerrero said the governor is weighing all the concerns both pro and con and will put all this together.

Mayor Wright said he had seen more play the discussion about regionalism and suggested using caution on that. Representative O'Brien said that we need to be looking to solutions and the big picture and start thinking of the different needs and realize that people in Newington having hard times with property taxes and if we have a solution that addressed property taxes that's something that benefits us as well as being fair to everyone. Representative Guerrero noted the Hotel tax, and wanted to let everyone know that that subject is back on the table. Mayor Wright thanked the Representatives for coming this evening and appreciates their giving their time on these issues.

#### **IV. CONSIDERATION OF OLD BUSINESS**

##### **A. Town Hall/Board of Education Space Usage Proposal**

Present were Board of Education members Steve Woods, Superintendent of Schools Dr. Collins, Business Manager Lou Jacomowicz, ERISA Attorney Al Turco and Town Attorney Ben Ancona.

Councilor Nasinnyk said she thinks this is a really good project. It would save renting and other expenses if renting from outside facility. She asked in moving the building department downstairs is that an absolutely done deal or is it still open? Mr. Salomone said that the space needed fit very well with the downstairs space. He said he worked closely with Town Planner Ed Meehan and the Building Inspector and Town Engineer.

Councilor Cohen asked if the conference room would remain as is, and Mr. Salomone said that the conference room would still be used for meetings. Councilor Cohen asked if all of the space downstairs would be used by Engineering or only a part of it. Mr. Woods said that they would be using all of the space. Councilor Casasanta asked if not for the mandate that came down that we have to move the students from the high school we wouldn't have to move at all so \$150,000 from the Board of Ed, instead of using the CIP money she would like to see more from the Board of Education to make it work. Mr. Woods said that was all they had to contribute. We also had to budget for considering moving somewhere else. The \$150,000 is for the Council's use to do the transfer. Mayor Wright said that those funds will cover the whole \$200,000. Mr. Woods said there would be additional costs and more money spent. Mayor Wright said that this \$550,000 project and this money is coming from the surplus in the Health Benefits fund and he would like to see a more equitable split than that. Mayor Wright said that the Town has to spend \$150,000 and the surplus was there.

Mayor Wright mentioned that he had asked Dr. Collins for an analysis and it's been a month and nothing has been submitted. Councilor Klett said that this is beneficial to the Building Department and things have been put on hold and she would agree that it makes more sense to consider social service needs in terms of meeting other needs. She will support it and we have an obligation to honor the needs of this project. Councilor Cohen said that this project would take care of a major code violation in Town Hall which would be part of the renovation. Mayor Wright said that a report he received about three years ago was the renovation of the Town Hall of about \$18,000,000 and he thinks the Town Hall is working fine. His frustration is between the Town and the Board of Education. He said every year we allocate a budget and every year there's a surplus on the Board of Education side and they can spend it however they feel. If there is a deficit, that deficit is paid by the Town. He said that the Board of Education knew they had this expense coming and spent on everything else. Councilor Klett said that agreement was formulated by another Council a number of years back and that's what happens when something is agreed upon but in terms of surplus 86% of their money is salaries and they don't have a lot of money and she is supporting it. Mayor Wright said that he has repeatedly requested a sit down but it has never been dealt with. He asked if there could be a meeting with the Town and the Board of Education and hammer out these issues. Mr. Woods said he has no problem with that. Councilor Banach said there was a time when the kids didn't need to pay for sports, or pay for field trips, and he said that in the future there will be a partition for after school sports and over time many things have been stripped away from the educational programs. Councilor Casasanta said that when Councilor Klett said the Town is constantly attacking the Board of Education, and she, Councilor Casasanta couldn't disagree more. She said that when this group comes before the Council the Council has a right to ask questions and doesn't necessarily fall into the attack mode. She said the Council has an obligation to the Town to provide answers. Councilor Klett in response to the Mayor's comments on the percentages, and what he didn't say was trying to make up for a number of years before any of these people at this table. She said that the Board was stretched for a number of years. She thinks also that she is entitled to her perception and didn't say that it felt like it was attacking. Councilor Cohen said with a surplus if there is a cut in budget and then find extra money and use that to replace cuts it can't be called a surplus. Mayor Wright respectfully disagreed. He said a recent article reported that the projected increase in the Health Insurance would be 13% representing about \$1,164,000 which we would be looking at a 6.5% increase. Mr. Woods said we spent \$40,000 less this year, no more no less. Councilor Nagel said he will be abstaining because he missed the last meeting and needs more time to digest all this.

**WHEREAS, the Town Hall Renovation Project Building Committee has been charged to work with the Town Manager (and/or his/her designee), Superintendent of Schools, and any other appropriate Town staff in the oversight of renovations to the Town Hall, including the space formerly occupied by the Police Department, as per Town Council resolution 2008-118 dated October 28, 2008; and**

**WHEREAS, the Board of Education has requested that the Town consider creating space within the Town Hall for the Transition Academy education program; and**

**WHEREAS, with renovations to the Town Hall lower level, sufficient space will be created to move the Engineering, Building and Planning departments to the lower level, creating space for the program in the area vacated by these departments; and**

**WHEREAS, this project will allow the Board of Education to conform to mandates related to special education;**

**NOW, THEREFORE BE IT RESOLVED, that the Newington Town Council hereby assigns the Transition Academy space need project to the Town Hall Renovation Project Building Committee; and**

**BE IT FURTHER RESOLVED, that the project costs will be charged to the Board of Education in an amount not to exceed \$150,000**

Mayor Wright called for a Roll Call vote

ROLL CALL VOTE

Councilor Banach – yes  
Councilor Casasanta – abstain  
Councilor Cohen – yes  
Councilor Klett – yes  
Councilor McBride – yes  
Councilor Nagel – abstain  
Councilor Nasinnyk – yes  
Mayor Wright – abstain  
Councilor Lenares – absent  
Vote – 5 yes – 3 abstain – Councilor Lenares absent

MOTION BY: Councilor Banach

SECONDED BY: Councilor Nasinnyk

VOTE: 5 yes – 3 abstain – Councilor Lenares absent

B. Amend Resolution – STEAP Grant

Mr. Salomone said that the original resolution on December 14, 2010 should be formatted in a specific manner to meet DECD requirements, and that the amended resolution does not make any substantive changes to resolution 2010-124, it is only a change in format.

**RESOLVED:**

**That the Newington Town Council hereby amends resolution no. 2010-124 to read as follows:**

**WHEREAS, pursuant to Public Act 01-7, JSS, Section 19(a), Small Towns Economic Assistance Act Program, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and**

**WHEREAS, it is desirable and in the public interest that the Town of Newington make an application to the State for \$200,000 in order to undertake the Newington Town Center Streetscape Phase IV Project on Market Square and to execute an Assistance Agreement.**

**NOW, THEREFORE, BE IT RESOLVED BY THE NEWINGTON TOWN COUNCIL:**

- 1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Public Act 01-7, JSS, Section 19(a), Small Towns Economic Assistance Act Program; and**
- 2. That the filing of an application for State financial assistance by the Town of Newington in an amount not to exceed \$200,000 is hereby approved, and that John L. Salomone, Town Manager, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Newington.**

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Nasinnyk

VOTE: 8 – 0 Councilor Lenares absent

**V. CONSIDERATION OF NEW BUSINESS**

B. Amend Ordinance: Other Post Employment Benefits (OPEB)

Present were Finance Director Ann Harter, Attorneys Ban Ancona and Al Turco

Mayor Wright stated that this is a liability for health insurance costs for retirees.

Ms. Harter said this is to put money aside to fund the health insurance, and to show that we're funding that and would like to see the Town set up a trust fund for this liability. Mr. Turco said that in the package showing draft of a Trust Agreement which is background information and in order to get to that what we need is the ordinance that

would permit the trust. The trust in front of the Council is one that has contributions set aside for retiree benefits, and powers the Town to hire an investment manager, a custodian and should the trust be terminated the trust must be applied on behalf of the retirees and beneficiaries. Attorney Ancona said that the vehicle used is being accomplished by enabling Statue 450(b) and everything looks really good and he has no concerns. Mr. Salomone said that a copy of the proposed ordinance is included in the package submitted. Councilor McBride asked about the timing of 30 days which seems like a very short amount of time. Attorney Turco said that the timing has changed and extended the timing to 60 days. Councilor Banach asked if there is any kind of assurance on how safe the funds are considering the collapse of investment firms in the past. Attorney Turco said that goes to the selection of the investment manager. Mayor Wright said that the investment manager has to follow the guide lines and there is a review to make sure that's being done.

## VI. RESIGNATIONS/APPOINTMENTS

### RESOLVED:

**That the Newington Town Council hereby accepts the resignation of Michael Carragher from the Town Plan and Zoning Commission in accordance with a letter dated January 3, 2011.**

MOTION BY: Councilor Banach  
 SECONDED BY: Councilor Nasinnyk  
 VOTE: 8 – 0 Councilor Lenares absent

### RESOLVED:

**That the Newington Town Council hereby appoints the following to the Town Plan and Zoning Commission:**

Name	Address	Party	Term	Replaces
Alternate: Gary Turco	98 Williamstown Court	D	IMMED.-11/30/13	M. Carragher (Resigned 1-11)

MOTION BY: Councilor Banach  
 SECONDED BY: Councilor Nasinnyk  
 VOTE: 8 – 0 Councilor Lenares absent

### RESOLVED:

**That the Newington Town Council hereby makes the following appointments:**

#### 1. Affordable Housing Monitoring Agency

Name	Address	Party	Term	Replaces
Newington Housing Partnership Rep.: Don Woods	82 Ivy Lane	D	IMMED–11/30/11	Don Woods ( <i>de facto</i> 11/30/06)
Elector: Neil Ryan	237 Brockett Street	D	12/1/10 – 11/30/15	Neil Ryan (term exp. 11/30/10)

#### 8. Development Commission

Name	Address	Party	Term	Replaces
Alternate: Fernando Rosa	22 Chaplin Street	D	12/1/10 – 11/30/13	Fernando Rosa (term exp. 11/30/10)

#### 13. Fair Rent Commission

Name	Address	Party	Term	Replaces
Neutral Elector: John Kelly	293 Maple Hill Avenue	D	12/1/10 – 11/30/12	John Kelly (term exp 11/30/10)

#### 17. Metropolitan District

Name	Address	Party	Term	Replaces
NTC Appointment:	44 Stoddard Avenue	D	1/1/11 – 12/31/16	Joe Klett (term exp.

Joseph Klett				12/31/10)
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MOTION BY: Councilor Banach  
 SECONDED BY: Councilor Nasinnyk  
 VOTE: 8 – 0 Councilor Lenares absent

## VII TAX REFUNDS

### RESOLVED:

**That property tax refunds in the amount of \$6,596.43 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.**

MOTION BY: Councilor Nasinnyk  
 SECONDED BY: Councilor Casasanta  
 VOTE: 8 – 0 Councilor Lenares absent

## VIII MINUTES OF PREVIOUS MEETINGS

A. Regular Meeting, December 14, 2010  
 Councilor Cohen noted that the Resolution 122 was incorrect as listed in the minutes. The UPDATED RESOLUTION is as follows:

### UPDATED RESOLUTION

**WHEREAS, the Newington Town Council referred the proposed public sidewalk easements at 110 Market Square and 122 – 136 Market Square for the purpose of municipal parking lot improvements to the Town Plan and Zoning Commission for an 8-24 report on November 9, 2010; and**  
**WHEREAS, the Newington Town Plan and Zoning Commission’s 8-24 Referral report to the Town Council, dated November 22, 2010, expressed unanimous approval to report to the Town Council favorable support for the easements;**  
**NOW THEREFORE BE IT RESOLVED, that the Town Manager is authorized to enter into an agreement for the acceptance of public sidewalk easements from the owners of the properties located at 110 Market Square and 122-136 Market Square.**

MOTION BY: Councilor Casasanta  
 SECONDED BY: Councilor Cohen  
 VOTE: 6 -0 Councilors Banach, Lenares, Nagel absent

Councilor Cohen also noted in her comments regarding the press coverage she was referring specifically to the proposal of the Transition Academy so the public would be kept aware of the progress.

Councilor Cohen moved to accept the minutes with the corrections/changes. Seconded by Councilor Nasinnyk. Vote 6 – 0 Councilors Nagel and Banach (2) abstained - Councilor Lenares absent

## IX WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

Mr. Salomone said that there will be a parking ban for tonight, Tuesday, Dec. 11 at 8 PM, until Thursday at 8 AM. Mr. Salomone said that meetings may be cancelled, depending on the size and duration of the storm. He said that all the information will be posted on the website.

## X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Nasinnyk was at the Library meeting and on the 21st of January there will be a wine & cheese gathering celebrating 25 years, and also there will be live entertainment. Also she said that the Library is still working on finding a new Director.

Councilor Cohen said the Youth Adult Council will be going forward with their basketball Hoopla for the first Friday in March, will have a talent show, also a video on safe driving and she noted a serious problem with the students wanting to go to school and help is needed in this area.

## **XI PUBLIC PARTICIPATION**

Mayor Wright announced the phone number for the public who wished to participate 860-665-8736

Mady Kenney, Crestview Drive – said that at the previous Council meeting, Dr. Collins justified the money needed for the relocation of the transitional academy. She has no problem with asking questions, and would like to see the same scrutiny applied to all those coming before you, but no where did she see the same level of scrutiny regarding the fake grass. It appears that some pet projects do receive preferential treatment. The rules need to be applied equally. Also she said in reference to the interaction with the Board of Education, quoting her mother, “It’s not what you say, but how you say it and the body language that goes with it”. On another matter she said it was requested that the budget schedule be published but was not done. This needs to be done to get the public involved.

Rose Lyons, 46 Elton Drive – she said she sat through the CIP and Council meetings regarding the Academy program and has said that she is in favor. As an observer there is a lack of communication between the Council and the Board of Education and if there are questions please ask them and not discuss them at this table. The appearance or perception and it turns into a confrontational meeting. In her opinion when the Board comes before this Council it seems like a way to slam them in the way they allocate their money. For three years she’s heard questions on how they spend their money, and as a tax payer she would like to see some coming together.

## **XII REMARKS BY COUNCILORS**

Councilor Klett commented on the December 14<sup>th</sup> the tragedy in Panama City, FL and Tucson, AZ where people were killed and others critically injured and in her over 25 years in this capacity times have changed and we’ve witnessed situations where people are ill and no one can guess. She believes that no one should be at risk of a situation like this and is asking the Town Manager to consider looking into something like a panic button. Mayor Wright informed Councilor Klett and stated that steps are being taken right now, and perhaps it could be discussed off line.

Councilor Nasinnyk commended the Town for the decorations, and also thank the Highway Department on clearing the roads and what a good job was done.

## **XIII EXECUTIVE SESSION RE: PERSONNEL - POSTPONED**

## **XIV ADJOURNMENT**

Mayor Wright moved to adjourn the meeting at 9:30 PM. Seconded by Councilor Nasinnyk – Vote 8 – 0 Councilor Lenares absent

Respectfully Submitted,

Council Clerk  
Mary Richard